IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 15848 of 1995

Between:

Shaik Jamal, S/o Late Shaik Hyder, 38 years,
Occupation: Agriculture,R/o Khanapur Locality, Khanapur, Adilabad District.

..... PETITIONER

AND

1 The Rev.Divisional Officer/Land Acquisation Officer, Adilabad, Adilabad District.
2 The District Collector, Adilabad, Adilabad District.
3 The Executive Engineer, Public & Health Division, Kareemnagar District.
4 The Commissioner, City Municipality, Adilabad Town,
Adilabad District.
5 The Secretary, Municipal & Public Health Department, Government of Andhra Pradesh, Secretariat Hyderabad.
6 Government of A.P, Rep by its Secretary,
Revenue Department, Secretariat,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or directions more particularly one in the nature of writ of Mandamus, directing the respondents to initiate Land Acquisition Proceedings expeditiously in respect of the petitioner's agriculture land to the extent of 0.28 acres situated at S.No.22/B1, of Khanapur area, Revenue village and Mandal Adilabad, Adilabad Dist. and pay the adequate compensation, by determining the market value of the acquired land is not less than Rs.50,000/- per acre besides other benefits in pursuance of the L.A. Act and further direct the respondents to pay the exemption damages for acquiring the land without due process of law, by declaring the action of the respondents is illegal, arbitrary and violating the legal rights of the

petitioner guaranteed under Articles 300-A of the Constitution of India.

Counsel for the Petitioner: MR.S.CHANDRASEKHAR

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

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ORDER:

This writ petition is filed by the petitioner, seeking a writ of mandamus directing the respondents to initiate Land Acquisition Proceedings expeditiously in respect of the petitioner's agricultural land to an extent of Ac.0.28 guntas situated in Survey No.22/B1 of Khanapur area, Revenue village and Mandal Adilabad District and to pay adequate compensation by determining the market value of the acquired land not less than Rs.50,000/- per acre besides other benefits in pursuance of the Land Acquisition Act (for short 'the Act') and further directing the respondents to pay the exemplary damages for acquiring

the land without due process of law by declaring the action of the respondents as illegal, arbitrary and violative of the legal rights of the petitioner guaranteed under Article 300-A of the Constitution of India.

The petitioner claims to be owner of an extent of Ac.4-00 situated in S.No.22/B1 of Khanapur area Revenue village, Adilabad District. It is his case that in the year 1983, the Government had acquired private land including an extent of nearly Ac.1-00 of his land for the construction of road and laying of water pipes from Sathnala project to Adilabad town, by a Notification issued under Section 4(1) of the Act, dated
6-7-1983, but his name was not shown in the said notification. Thereupon, on 11-11-1998 he made an application to the first respondent-Land Acquisition Officer in that regard, and in spite of written reminders dated
23-6-1986, 29-9-1986, 21-10-1986 and several oral reminders, the first respondent has not taken any action on his application. Finally, to the legal notice issued by him on 6-4-1995, the first respondent sent a reply dated 25-5-1995. It is admitted in the reply that the land of the petitioner to an extent of Ac.0-28 guntas in S.No.22/B1 of Khanapur village was acquired by respondents 3 and 4 in the year 1983. It is stated in the said reply that land acquisition proceedings will be initiated soon after receipt of requisition from respondents 3 and 4. The petitioner states that land acquisition proceedings were completed and an award was passed on
23-9-1986, leaving his land from the proceedings. Assailing the impugned action of the respondents in acquiring the land of the petitioner initially and later deleting it from the acquisition proceedings and for not considering his application, the present writ petition is filed.

While admitting the writ petition on 21-7-1995, this Court having regard to the admission of the first respondent in his letter dated 25-5-1995 stating that the land of the petitioner admeasuring Ac.0-28 guntas was already acquired for laying pipeline for supplying water to the people of Adilabad town, granted interim direction in W.P.M.P. No.19328 of 1995 to the first respondent to estimate the value of the land so acquired and pay eighty percent of it together with solatium and interest thereon as specified under the Land acquisition Act to the petitioner within four weeks from the date of receipt of a copy of that order, with a further direction to the respondents 3 and 4 to deposit the requisite

amount with the first respondent.

Thereafter, respondents 1 and 2 filed counter-affidavit stating that the directions of this Court in W.P.M.P. No.19328 of 1995 dated 21-7-1995 are complied with. It is stated that acquisition proceedings were initiated for the land of the petitioner in an extent of Ac.0-28 guntas in S.No.22 of Khanapur village and an amount of Rs.31,606/- being the 80% of the land value, was paid to the petitioner by way of bankers cheque No.0103281, dated 29-12-1995 and the approval of Draft Notification and Draft Declaration are awaited from the Government.

When the matter came up today for hearing, the learned Government Pleader for Land Acquisition submitted that Award has already been passed in respect of the land of the petitioner, on 24-8-1998.

Having regard to the fact that Award in relation to the land of the petitioner was passed on 24-8-1998 and the petitioner was paid 80% compensation in pursuance of the interim direction of this Court in W.P.M.P. No.19328 of 1995, dated 21-7-1995, the relief sought for by the petitioner is complied with and therefore, no further orders are necessary.

Accordingly, the writ petition is dismissed. No costs.

07-10-2004

MRKR

To

1.

The Revenue Divisional Officer/Land Acquisition Officer, Adilabad, Adilabad District.

2. The District Collector, Adilabad, Adilabad District.

3. The Executive Engineer, Public & Health Division, Kareemnagar District.

4. The Commissioner, City Municipality, Adilabad Town, Adilabad District.

5. The Secretary, Municipal & Public Health Department, Government of A.P.Secretariat, Hyderabad.

6. Secretary, Revenue Department, Secretariat, Government of Andhra Pradesh, Hyderabad.

7.Two C.Cs to the Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (O.U.T).

8. Two C.D. copies.